

What did Shell know about Goodluck receiving money?

1. Shell knew that Etete wouldn't keep all of the money, rest goes to "paying people off"

05.01.2009. John Copleston to Ann Pickard, Peter Robinson and Guy Colegate

"Saw my Delta man. He spoke to Mrs E this morning. She says **E claims he will only get 40m of the 300m we offering-rest goes in paying people off.**"¹

2. Shell knew that Goodluck used to be in Etete's employ

Feb 19, 2010. JC to PR and GC

"Problem may also be that Etete close to Jonathan, **whom he used to employ as a Private Tutor** to his kids when he was Oil minister and Jonathan a lecturer at the local tech college in Yenagoa. Etete saw Jonathan last week and thereafter Jonathan asked Odein to reexamine the Shell/Malabu dossier. I'm told Etete now thinks he may be able to get back the whole block, but Odein still trying to be honest broker and get 50 / 50 signed off by all parties."²

3. Shell knew that a) Goodluck was pushing deal forward and b) Etete buys people off

13.6.10. GC to PR and JC

"Our friend [likely Agaev] tells me his clients have been in touch with our ex-employee and her alleged squeeze- hence movement in the capital. ... Anyways- our friend says all parts in place- gov on board, his client and us- he says only chief can sink it- which he does not rule out. His client want chief out the picture- incl off the paperwork for any transaction- chief's rep will cause them issues if he has direct line of sight on paper to consideration. So other shareholders/directors will sign off. **Chief has bought off chief justice** who supplied him with "a worthless piece of paper telling me (our friend) that chief owns malabu-1 told chief to save it for his children as it has no legal value"³

4. Shell knew that a) Etete was to receive the money for 245 and b) and that Goodluck had agreed to re-award 245 to Malabu and had a good relationship with Etete

9.7.2010. JC to PR and GC

"Ednan [Agaev] said he had spoken to Eni again Thursday morning who confirmed that 'highly confidential' discussions had taken place with Peter Voser around the concept of Eni taking 100% of 245 from Malabu, and then, post transaction, transferring 60% of the block back to Shell.... He believes as discussed during meeting with Peter that **Chief may be settle for something**

1 P22, Faldoni-21-22-23 Allegati Part A

2 P148, Faldoni-21-22-23 Allegati Part A

3 P69, Faldoni-21-22-23, Consignalibri Part A

in \$1.5/2 billion range for the whole 100%). At meeting with Gusau, Gusau confirmed that **Etete had good relationship with Jonathan who had agreed to 're-award' the block back to Malabu**, and that a document reflecting this had been drawn up - but Gusau did not have a copy.”⁴

5. Shell thought that a) Etete used to be Goodluck's boss ['oga'] b) the re-award to Malabu was “clearly an attempt to deliver significant revenues to GLJ.” C) that this was “about personal gain and politics” for Goodluck and Allison.

16.7.2010. GC to PR and JC

1) Etete claims he has and has shown (though not copied) a letter from President reiterating malabu's 100pc equity/contract "award"

2) This letter clearly an attempt to **deliver significant revenues to GLJ** as part of any transaction.”

...

6) Source stated he met GLJ in abuja last week- **also present was dezani and aliyu**. Source stated GLJ said Italians need to deal quickly as "the Chinese were very interested and premier hujintao had discussed the block personally with him"

- may be a GLJ/Etete bluff- **but clear driver is to get cash onto system asap.**

7) ... Personally I think this is a kite fly cooked up by Etete and GLJ- **largely due to etete's relationship as oga to GLJ in his previous incarnation. I also don't believe GLJ or Dezanoi understand our/legal position- this is about personal gain and politics.**⁵

6. Shell knew that President wanted to see 245 closed quickly driven by expectations that “political contributions that will flow.” This was in a briefing note - not pub talk!

23.8.10. Briefing note for call with Descalzi (PR to MB and others)

“In country view is that the President is motivated to see 245 closed quickly – driven by expectations about the proceeds that Malabu will receive and **political contributions that will flow as a consequence** – reinforces need for a solution quickly.”⁶

7. Agaev - Shell's consultant - also knew that Etete wasn't going to get all the money

8.5.2011. Agaev's knowledge

Also, Agaev was a consultant to Shell. [Cf Obi: “Mr Agaev was very useful. The chief had made some suggestions like: do we really -- do we really need this guy?

4 P76, Faldoni-21-22-23, Consignalibri Part A

5 P347, Faldoni-21-22-23 Allegati Part A

6 P92, Faldoni-21-22-23 Con Segnalibri Part A

But Mr Agaev was very useful because, first of all, he had a very, very good relationship with some of the Shell guys.”^{7]}

Agaev also knew what would happen with the money. Agaev: “Now I shall receive only if Chief receives, **and I am not sure how much and if at all he will receive**. Everything is at hands of the FGN, inparticular AG and of Finance, and of cours The Big Boss.”⁸

What happened to the money?

1. Aliyu was paid \$50m as consultancy and received \$350m from Etete after ‘selling’ him properties in Nigeria and UAE - after discussions with Etete and President

To the EFCC on 16.1.2016, Aliyu says that he met Dan Etete in 2011⁹ “to resolve the issues around Block 245... **we agreed that I should take the matter and discuss with the then President Dr Goodluck Ebele Jonathan and I would act as a consultant**. This we all agreed, then I went to the President and I had a meeting with him which he would see how he would resolve this matter for the interest of Nigeria and the interest of everybody, then it was agreed I would be paid a consultancy fee, the amount was not stated because we did not know how much the oil well would be.”

Aliyu involved in final negotiations when price is agreed as \$1.09bn...

“Then \$400m four hundred million United States Dollars was paid to me as my consultancy fee and payment for properties as follows (1) (One) three property in [unclear] and (2) two in Central Area, Abuja, (3) Three properties in Lagos in Ikoyi, Lekki and Victoria Garden [unclear] (4) a commercial property shopping mall in Dubai, UAE (4) [sic] and residential property also in Dubai UAE. I also wish to state as follows all the property in Nigeria the worth is about One hundred and Eighty Million Dollars (\$180,000,000) For properties in Nigeria. **My consultancy fee was Fifty Million Dollars (\$50,000,000)**. The remaining balance of One hundred and Seventy One, five hundred and forty - \$171,540,000 was the cost of properties bought in Dubai UAE. Apart from this money, another payment came in from Rocky Top Resources Account which I used to pay other people as per the instruction of Chief Dan Etete. The people are Rasky Gbinbie the sum of Eight million Dollars (\$8m) and the sum of Seven million Dollars - \$7m - to Seidogou Munamuna. (Farsman) I need to add For Commission to be on notice that payment made to me was in Dollars, but payment made by me was in Naira. This is why Bureau de Change came in...”¹⁰

7 Obi cross p113. (testimony from 28 November 2012.)

8 Faldoni-21-22-23 p130.

9 This is contradicted by Shell July 2010 email above “Source stated he met GLJ in abuja last week- also present was dezani and **aliyu**.”

10 P469, Faldone 13

To the EFCC on 17.1.2016, Aliyu clarifies: “he [Etete] told me to do A Group Construction Copy Ltd I requested [?] the sum of \$157m... **I transfer all this money to various people according to Chief Dan Etete instruction, some of this were for properties...** Imperial Union Ltd \$34m was requested by me and I transferred to various people in according to Chief Dan Etete instruction for the people Megatech Engineering request the sum of 180m from Malabu Oil & Gas and Chief Dan Etete gave me instruction to transfer some to some various [unclear] payment... I can not really remember all for now.”¹¹

2. Italian prosecutor says they located money in Adoke’s accounts

“During our visit to the EFCC in Nigeria on 4-6 May 2016, we learnt of circumstances of a Certain importance on the existence of various bank accounts of the former Attorney General Muhammed Adoke Bello in which sums of cash were deposited.

We also saw a bank account of the aforesaid Adoke in which a very high number of cash deposits made after the period (second half of 2011) in which the money paid by ENI and Shell for OPL 245 was distributed to numerous beneficiaries through cash operations.

It is probable that the money paid into Adoke’s accounts, moreover in fractions and through countless operations, comes from the funds paid for OPL 245 by ENI and Shell.”¹²

11 P481, Faldone 13

12 P517, Faldone 13